(333)

UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/SR.262
2 February 1995

ORIGINAL: ENGLISH

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Fourteenth session

SUMMARY RECORD OF THE 262nd MEETING

Held at Headquarters, New York,
on Tuesday, 17 January 1995, at 10.15 a.m.

Chairperson: Ms. CORTI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Chief, Official Records Editing Section, Office of Conference and Support Services, room DC2-794, 2 United Nations Plaza.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

95-80061 (E)

/...

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial report of Bolivia (CEDAW/C/BOL/1 and Add.1)

1. At the invitation of the Chairperson, Ms. Montaño (Bolivia) took a place at the Committee table.

2. Ms. MONTAÑO (Bolivia) said that the delay between the preparation of Bolivia's initial report and its consideration by the Committee was unfortunate, in view of the major changes which had taken place in the Government and in the legal and institutional framework of the country with respect to gender issues, particularly from 1992 onwards. Two major factors were relevant in considering the status of women in Bolivia. Firstly, under the former dictatorial regime, formal commitments had existed which had not been effectively implemented. Secondly, in its first decade of democracy, Bolivia had been compelled to give priority to tackling its economic crisis and implementing structural adjustment programmes as a result of which social aspects had been subordinated to macroeconomic considerations. In particular, there had been delays in meeting the demands of women, whose societal role had essentially been seen as that of an intermediary dispensing social welfare. Only recently had there been any real focus on the changing participation of women in the job market and in political life. Over the past two years in particular, the Government had sought to promote equality and, in the context of reforms at the executive branch, had introduced political and institutional changes that included decentralization of decision-making and of the management of social policy, creation of the Office of the Under-Secretary for Gender Affairs, and changes in the constitutional and legal framework reflecting a move towards greater acceptance of market forces and reduced government involvement in economic affairs. There was also increased recognition of diversity under the new political and constitutional framework, and Bolivia was now acknowledged to be a multi-ethnic and multicultural State.

3. With regard to part I of the report, dealing with the country's general, economic, political and legal framework, she noted that although Bolivia had historically faced problems of extreme poverty and instability, in its first decade of democracy progress had been made towards the macroeconomic stability that was essential to social policy. Changes were being introduced in the legal framework to incorporate and harmonize provisions relating to equality, including all the principles contained in the Convention on the Elimination of All Forms of Discrimination against Women and steps were being taken to amend provisions that ran counter to the goal of equality, such as the virtual impunity enjoyed by perpetrators of domestic violence. The Government was also adopting a preventive, rather than a simply punitive, approach towards ensuring respect for human rights.

4. With regard to the areas covered in part II of the report, the Committee would note the establishment of the Women's Programme under the National

Organization for Minor Children, Women and the Family (ONAMFA) and the creation of the Office of the Under-Secretary for Gender Affairs. An effort was being made to replace the former short-term, sectoral approach with a more coherent strategy. In that connection, the Popular Participation Act promoted decentralization and democratization, with recognition of the grass-roots organizations and groups that formed a social network in rural areas. The Act made funding available to such groups and bound them to promote gender equality at a representative level, thereby enabling women to participate effectively in leadership and decision-making. The Act also enabled municipalities to undertake local development programmes that were more responsive to women's needs.

5. In 1994, the Educational Reform Act had been adopted, providing for free, universal and mandatory education throughout the country. Historically, expenditure on education had been inadequate and had largely gone to salaries rather than to pedagogical needs and infrastructure. The former system of education, which had emphasized instruction in Spanish, had also worked to the disadvantage of women in rural indigenous communities. The educational budget was being increased fivefold by the current Government, which had established educational reform based on the principles of bilingualism and multiculturalism as a national priority. Initial efforts in the area of bilingual education had been successful in reducing the number of school drop-outs and students repeating grades, problems which had primarily affected indigenous girls in rural areas. Bilingualism and multiculturalism were seen as having the strategic potential to encourage integration and equality for women, as well as their greater participation in society. The principle of equality of opportunity was also being promoted through curriculum revision and teacher training. However, substantive results could be expected from such measures only in the longer term. Legislation alone would not solve the acute problems of poverty and lack of access to education.

6. As a result of the creation of the Office of the Under-Secretary for Gender Affairs, a set of guidelines had been drawn up for harmonizing equality policies with national legislation. Furthermore, substantial resources were being invested in training State officials in the areas of education, health, the police and the judiciary, as well as in the national programme to combat maternal mortality. Bolivia's policy of promoting equality by means of legal reforms, increased access to health and education, participation and the democratization of gender roles, and efforts to combat violence was thus aimed at institutionalizing the gender perspective in the national agenda.

7. The National Plan of Action for the Prevention and Eradication of Violence against Women reflected the fact that the issue of violence against women had recently become a concern of the Bolivian Government. In the first six months of the Plan's implementation, an inter-ministerial task force had been set up with the participation of the Ministries of External Relations, Internal Affairs and Human Development, as well as non-governmental and religious organizations. Under the leadership of the Ministry of Human Development, those Ministries were cooperating in combating violence against women, in accordance with their respective mandates. To date, 14 comprehensive legal aid offices had been set up in the country's poorest provinces, the ultimate goal being to set up 40 such facilities to constitute a national network of free legal clinics. Under the

Plan, health-care services were providing care to the victims of violence; local monitoring or support organizations had also been instituted to combat violence against women. Lastly, the National Plan included efforts to change sex-role stereotypes and promote equality.

8. Activities to help rural women were continuing, despite a serious recession and deficient infrastructures. It was hoped that the measures being taken in such areas as health, participation and democracy would produce positive changes over the long term, but the Government recognized that serious structural problems remained. It was likely that women would continue to bear the major burden of poverty over the next 10 years, not only because their own traditions and culture made them vulnerable, but also because they belonged to a sector that had historically been excluded from economic development. Nevertheless, a process of participatory planning from the bottom up, incorporating gender indicators, had been implemented as State policy.

9. With regard to prostitution (art. 6), Bolivian law punished procuring but not prostitution. In practice, however, some police and municipal anti-prostitution measures had the effect of persecuting prostitutes while allowing procurers immunity. Mandatory police registration of commercial sex workers tended to create a clandestine market where such workers were vulnerable to abuse by procurers and police. Recent concern about AIDS had further stigmatized prostitution. Amendments to relevant sections of the Health Code were being prepared in order to address the AIDS problem from a legal standpoint, but little had been done in the social sphere, partly because the scale of the problem in Bolivia was relatively small as compared with other countries of the region.

10. In the area of public life and political participation (art. 7), women were underrepresented at all levels of formal representation, especially in the executive, legislative and judicial branches and in trade unions and private enterprise. A law governing participation in political parties was being debated, but a number of factors currently made women's participation in the power structure less attractive. However, women and their organizations were increasingly challenging and criticizing the political system and State structures.

11. Creating new jobs (art. 11) was one of the major challenges for her Government. A policy of capitalization of State enterprises and a National Vocational Training Plan had been formulated, designed in part to ensure the integration of women into the labour force. Women's participation in the labour market was primarily in one-person businesses and the informal sector, and improvements had to be made in those areas before trying to create new jobs. Along with educational reforms, labour reforms were thus seen as a way of increasing women's economic participation.

12. With regard to health (art. 12), the comprehensive approach to women's health taken by the Plan Vida for reducing maternal mortality incorporated education and legal issues (up to a third of current maternal deaths were due to illegal abortions). Further attention must be paid to the problem, especially to the cultural practices of indigenous women and the need to increase coverage for women in high-risk situations.

13. Bolivia had thus been taking important steps towards institutionalizing public policies based on a gender approach. Those steps were reflected in the reform of the legal framework and the strengthening of the governmental bodies responsible for implementing gender-related policy. The challenges that had to be taken up in order to achieve genuine equality involved the reform of the legal system, the elimination of all vestiges of bureaucratic duplication and inefficiency, and the strengthening of democracy and, particularly, of indigenous and rural women's organizations. The struggle against poverty required a long-term perspective and broad agreement on national priorities, for which continuity in policy-implementing bodies was essential.

14. In conclusion, she said that effective measures to ensure social democratization, health, education and the participation of women in all sectors of society were of paramount importance and required increasing attention and investment, despite the limitations imposed by macroeconomic conditions.

15. The CHAIRPERSON congratulated the representative of Bolivia for her frank statement and for her obvious commitment to the cause of democracy and women's equal participation in the development of her country. She welcomed the Bolivian representative's emphasis on sensitizing Bolivian women to the need to combat injustice in their society, noting that the Popular Participation Act was instituting a kind of cultural revolution in Bolivia. The representative had placed long-term efforts to combat violence against women in the proper context by presenting such violence as a human rights issue and an obstacle to the country's development. In her opinion, women's low rate of participation in political life was due to a lack of commitment on the part of political parties. That issue should be considered in the context of genuine democracy, which could not be achieved as long as half of the population was excluded from participation.

16. Ms. ABAKA, referring to paragraph 9 of the report, which had been drafted in 1991 prior to Bolivia's conversion to one of the fastest growing economies in Latin America, asked whether Bolivia's improved economic performance had enhanced the status of women in Bolivia. That issue was very pertinent in the context of preparations for the Fourth World Conference on Women, which was to review and appraise the implementation of the Nairobi Forward-looking Strategies. Referring to paragraph 35 of the report, she said that the failure to incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into Bolivian law was a serious omission, because it made it legally impossible to challenge systematic non-compliance with any provision of the Convention before any court in Bolivia. It was very important that the Government of Bolivia should take measures to incorporate the provisions of the Convention into national law.

17. Ms. AOUIJ, noting the Bolivian Government's efforts to thoroughly structure its institutions, welcomed the establishment of the Office of the Under-Secretary for Gender Affairs, a modern institution with a specific action strategy based on objective criteria, focusing primarily on the needs of women and providing for the implementation of innovative programmes and projects. Those measures would not only help to enhance the status of women in all areas but would also involve women more fully in the sustainable development of their country. One of the Office's priority tasks was to make an inventory of the

laws which still discriminated against women, especially article 216 of Bolivia's Constitution, and, in keeping with the sociological and political changes in Bolivia, to plan for their gradual repeal. Although laws that guaranteed equality were a necessary precondition, such laws had to be accepted, understood and applied by women as well as men. In that connection, education was crucial to achieving equality and progress in any society and, hence, to development efforts. Educational reform would bear fruit only in the medium and long terms. School textbooks would have to be constantly reviewed to eliminate stereotypes that distorted the image of women. As part of efforts to implement the international community's recommendations in the area of human rights education, bodies dealing with women's rights and non-governmental organizations should seize the opportunity to exert pressure, so as to ensure that the important role and status of women were recognized, women's rights were respected and all obstacles to the advancement of women, including violence, were eliminated.

18. Ms. BERNARD welcomed the reform of the executive branch, the establishment of the new Office of the Under-Secretary for Gender Affairs and the reform of the Constitution and Bolivia's legal framework. She also hailed the establishment of family legal aid offices, which were an essential component in the promotion of women's rights. She commended the steps being taken to eradicate violence against women in Bolivia, in particular the establishment of an inter-ministerial task force. However, little or nothing had been done to combat prostitution, and steps must be taken to deal with the pimps who encouraged and preyed on prostitutes. It was commendable that the Government was working on revising the Health Code with a view to preventing and eradicating AIDS.

19. Ms. BUSTELO GARCIA DEL REAL commended the Bolivian Government on its efforts to improve the status of Bolivian women, especially indigenous and rural women. She had been struck by the Government's National Plan of Action for the Prevention and Eradication of Violence against Women especially since the Special Rapporteur on violence against women was attending the current session of the Committee. The plan described by the representative of Bolivia embodied one of the aspects that the Special Rapporteur had said might be proposed to Governments in the future. She hoped, therefore, that the representative of Bolivia would be able to provide the Special Rapporteur with more details of the plan, which moreover responded to Committee recommendation 19.

20. She was concerned at the fact that there were very few women in decision-making positions in Bolivia. While it was true that, quite often, women in organized movements had not tried to assume positions of power because they rejected policies that they found inappropriate, experience had shown that women were needed in positions of power to implement administrative, cultural and other reforms. She recommended that women, non-governmental organizations and political decision makers in Bolivia should view women's political participation as vital. She wondered whether the proposed law on political parties made provision for greater participation by women at least in the legislative branch.

21. Ms. GARCIA-PRINCE, congratulating the Bolivian Government for its comprehensive efforts to transform the legal framework relating to women's

affairs, especially for the number of new legal instruments focusing on equality, said that only over the medium and long term would the Committee be able to assess the effectiveness of all the recent decisions and changes in Bolivia. She wished to know whether the Office of the Under-Secretary for Gender Affairs and the Bolivian Parliament had been making systematic efforts to bring Bolivian legislation into line with the provisions of the Convention, or whether attempts at attaining legal equality were being made as opportunities arose. It would also be helpful to know what proportion of the funds received by the Under-Secretary's Office went to the Women's Programme and whether such funds came from the national budget or from international cooperation.

22. Noting that the political system was the only system available within the formal power structure for women to seek important qualitative changes in the functioning of that system, she stressed the importance of having a critical mass of women in positions of power so that they could push for political change. The more women there were in positions of power, the more likely it was that changes could be effected. In that regard, and in the context of democratization, the representative of Bolivia should indicate how she viewed the increasing participation of women in decision-making, especially since the Popular Participation Act provided for equality of opportunity for men and women in the decision-making process, particularly at the grass-roots level. She would also be pleased if the representative could comment on some elements of the Human Development Index that had not been addressed in the report.

23. Ms. MAKINEN welcomed Bolivia's ratification of the Convention without reservations. Since the report stated that the Convention was not part of Bolivian law, she wondered whether women could invoke it when demanding their rights before Bolivian courts or authorities. In view of the fact that non-governmental organizations and women's organizations played an important role in Bolivian society, the representative of Bolivia should indicate whether any initiatives had been taken by non-governmental organizations to have the Constitution amended to incorporate the provisions of the Convention.

24. Ms. MUÑOZ-GOMEZ noted that the Government of Bolivia had recently made genuine efforts to promote equal rights for women, especially through the establishment of the Office of the Under-Secretary for Gender Affairs. However, it was only within the framework of participatory democracy that the overall effort to eradicate violence against women and achieve equality for women in Bolivia could be realized. In that connection, she was particularly concerned about some legal changes that still remained to be made, especially the need to address problems of family violence at the first and second degrees of consanguinity.

25. Ms. SCHOPP-SCHILLING welcomed Bolivia's endeavours to promote women's equality and to change the roles of men and women, and its very strong political will to effect such changes. She had been especially impressed by the Bolivian Government's awareness of the obstacles yet to be overcome and the distinction that the representative of Bolivia had made between short-term and long-term strategies. Turning to the Popular Participation Act, she wished to know whether it included any mechanisms for monitoring the growth in women's participation and the redistribution of financial resources towards women, and whether it penalized failure or rewarded success in implementing the goals set.

It would also be useful to know whether the Act included timetables and goals for women's representation or for the share of financial resources allocated, and whether any thought had been given to establishing equal opportunity watchdogs at the municipal level to monitor implementation.

26. Ms. OUEDRAOGO drew attention to the need to focus on the visibility of programmes, as it was through the programmes and projects that were established that one could hope to change the situation. She would appreciate more information on how the report had been prepared, i.e., whether it was the result of a consensus, whether non-governmental organizations had been consulted and whether women's movements, if any, had been involved in its preparation. It was crucial to encourage women to fight for their own rights and to become aware of certain problems, otherwise they gave up their aspirations and ended up accepting as normal socio-cultural environments that were oppressive.

Article 2

27. Ms. GARCIA-PRINCE requested the Bolivian representative to indicate whether there were any specific mechanisms enabling her Office to have input into the formulation of sectoral policies, for instance, in the health field. It would also be useful to hear what action was being taken to ensure the effective implementation of the Popular Participation Act, in view of the sexist framework of the country's political and legal institutions and what efforts were being made to combat violence against women.

Article 3

28. Ms. ABAKA, referring to the Educational Reform Act, said that while it might be too early to expect a full assessment of the achievements made under the Act, it would be interesting to learn what trends had been noted and whether the Act was having an impact in rural areas.

29. Ms. JAVATE DE DIOS noted the concern expressed throughout the report at the situation of indigenous and rural women, which was of great importance in view of the economic crisis in Latin America. That concern had also been embodied in a number of reforms in such areas as political participation, education and violence against women. It was important for the Government to establish specific mechanisms to ensure the full development and advancement of women in the political, social and economic fields and to develop programmes at every level. Of particular importance was the Government's obligation to allocate resources to such mechanisms, since changes in political leadership often meant that women's issues received the lowest priority. In the light of the brutal impact of the structural adjustment programmes to which the Bolivian representative had referred, Bolivia should consider the importance of "mainstreaming" the gender perspective.

30. Additional information should be provided on the decision-making powers of the National Secretariat for Ethnic, Gender and Generational Affairs, the resources allocated to it and its capacity for coordination with other governmental agencies. Moreover, the implications of grouping together gender concerns and other issues should be clarified.

Article 4

31. Ms. ABAKA said that the adoption of temporary special measures was aimed at bridging gender gaps; when that had been achieved, such measures could be discontinued. It was a common misconception that the temporary nature of such measures meant that standards were being lowered. In view of the very high illiteracy rate among women, especially rural women, in Bolivia and the fact that employment opportunities for both skilled and unskilled women were not equal to those of men, she would appreciate additional information on any temporary special measures which had been adopted to redress such imbalances.

32. Ms. BUSTELO GARCIA DEL REAL said that if, as stated in paragraph 35 of the report, the Convention was not part of Bolivian law, then the Government could not use article 4 of the Convention as the legal basis for temporary special measures. The Bolivian representative should indicate whether any other legal basis existed in the Constitution. Further details should also be provided on any temporary special measures which had been adopted.

33. Ms. HARTONO said that, while it was unreasonable to expect major changes to have occurred within the short period which had elapsed since the State party's ratification of the Convention, it would be useful to have a full account of any temporary special measures which had been adopted, including non-legislative measures.

34. Ms. ESTRADA CASTILLO said that, as a Latin American, she was aware of the difficulties which Governments in the region faced in implementing special measures on behalf of women, at a time when the entire economic framework of their countries was in need of reform. The Bolivian representative should indicate whether any specific legislation was in place to protect working women, especially indigenous and rural women, during pregnancy and while they were nursing their children. It was difficult to understand why, if Bolivia had signed and ratified the Convention, it was not part of Bolivian law; she wished to know whether the Constitution contained any provisions that would prevent the Convention from becoming law. Lastly, paragraph 76 of the report stated that no government commission had been established to look into legislation, policies and practices affecting women in various areas. She would be grateful if the Bolivian representative could indicate which body was responsible for overseeing such policies and practices and whether her Office had the power to issue edicts having the force of law.

35. Ms. MAKINEN said that she shared the view of other speakers that there could be no genuine democracy until women were actively involved in politics. Further details on any temporary special measures which the Government had adopted to increase women's political participation, such as a quota system, would be welcome. She also wished to know whether women candidates for public office received financial support from the Government or from political parties.

Article 5

36. Ms. KHAN asked whether the Government had taken any steps to combat sex-based prejudice and stereotypes through the mass media and whether the Family Code contained any provisions aimed at overcoming sex biases within the family.

37. Ms. GARCIA-PRINCE said that the role of non-governmental organizations in efforts to eradicate violence against women should be clarified. As noted in paragraph 248 of the report, complaints of abuse and sexual violence could be referred to various bodies; however, in a country where nearly half of all women did not possess national identity cards enabling them to exercise their rights, it was unclear whether such mechanisms could be effective. It would also be useful to learn whether any steps had been taken to ensure that such complaints were received and were acted on by the courts from a gender perspective.

38. Ms. ESTRADA CASTILLO said that she would be grateful for information on any efforts which were being made to change the image of women in the mass media.

39. Ms. JAVATE DE DIOS said that paragraph 85 of the report, which indicated that there were no clear cases of discrimination at the workplace or in the exercise of duties, needed clarification, since paragraph 84 referred to the deep-rooted "machismo" that was encountered in Latin America, including Bolivia, and the discrimination which existed with regard to women's holding certain positions or offices.

Article 6

40. Ms. ABAKA, referring to paragraph 86 of the report, said that whether or not the practice of prostitution was indirectly approved, the requirement that prostitutes periodically undergo a medical examination was commendable. Further details should be provided on whether prostitutes had access to means of preventing the spread of AIDS. She also requested the Bolivian representative to be more specific about the reference in paragraph 87 to an offence against sexual morality and the reference in paragraph 89 to the corruption of minors.

41. Ms. OUEDRAOGO said that information on any measures contemplated by the Government to promote the social and economic reintegration of former prostitutes would be welcome.

42. Ms. BUSTELO GARCIA DEL REAL said that the reporting State should be more specific about the numbers of women involved in prostitution, the conditions they faced, and so on. While paragraph 88 of the report stated that trafficking in women as such did not exist in the country, she would appreciate further information on whether immigration for the purpose of prostitution had been encountered and, if so, whether legislation had been enacted to prevent abuses. Lastly, since women who engaged in prostitution were the most vulnerable to violence, it would be useful to learn whether any measures to combat such violence were envisaged.

43. Ms. JAVATE DE DIOS noted that, according to paragraph 99 of the report, there were currently 620 registered prostitutes in Bolivia, of whom 220 were foreigners. That information should be clarified in view of the statement that trafficking in women did not exist in the country, since trafficking could take many forms, some of which involved deceit rather than physical force. Since poverty was a factor in inducing women to turn to prostitution, the Government should give serious consideration to such issues. Prostitution should be regarded not only as a violation of women's civil rights and an instance of

discrimination, but also as one of the most extreme contemporary forms of sexual slavery.

44. The reporting State should indicate whether any special measures had been adopted to combat the spread of AIDS and to prevent the stigmatization of AIDS patients.

The meeting rose at 1 p.m.